

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ALVIN THOMAS,

Plaintiff,

v.

No. 13-cv-0271 LH/SMV

CHAVES CNTY. DET. CTR., et al.,

Defendants.

**ORDER DENYING PLAINTIFF'S [SECOND] MOTION
REQUESTING PRODUCTION OF VIDEOTAPE**

THIS MATTER is before the Court on Plaintiff's Motion [Doc. 12] ("Second Motion"), filed September 5, 2013. Defendants have filed no response, and none is needed.

Plaintiff previously filed a motion requesting production of any videotapes that depict the events surrounding his claim stemming from a November 1, 2011 incident. *See* Plaintiff's Motion to Appoint Counsel, [Doc. 3] ("First Motion"). On August 27, 2013, the Court denied Plaintiff's First Motion for production of videotape evidence. *See* [Doc. 10]. Because discovery is not appropriate at this time, the Court will deny Plaintiff's Second Motion for the same reasons set forth in the Court's August 27 order. Nevertheless, Defendants are required to preserve any videotape or other evidence in their possession that depicts the events raised in Count II of Plaintiff's Complaint.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Plaintiff's Second Motion [Doc. 12] is **DENIED**.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge